



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2207439

Applicant Name: Dave Rubens

Address of Proposal: 2508 6th Avenue N

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use for future construction of a 5-story, 8-unit apartment building in an environmentally critical area. Project includes parking for 14 vehicles within the structure.

The following approval is required:

SEPA - Environmental Determination pursuant to Seattle Municipal Code (SMC),
Chapter 25.05

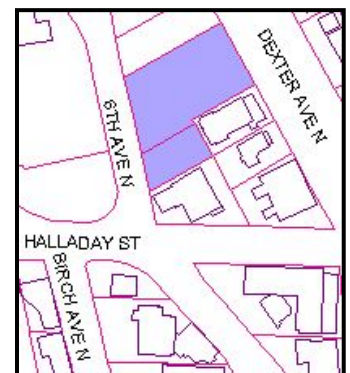
SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction

BACKGROUND INFORMATION

The project is located on the east side of 6th Avenue North, just northeast of the intersection of 6th Avenue North and Halladay Street, and is zoned Multi-family Residential Lowrise 3 (L3). The site has two street fronts; 6th Avenue North with one hundred fifty-five (155) feet of street frontage and Dexter Avenue North with ninety-five (95) feet of street frontage. Measured from the midpoint of property line on 6th Avenue North to the property line on Dexter Avenue North, the lot is approximately one hundred sixty-two (162) feet in depth. Only a small portion of the site is not mapped as having slope that is 40% or greater; the slope of the site falls from 6th Avenue North to Dexter Avenue North.



Vicinity

South-Southeast of the subject site is a three unit apartment building; to the southeast are three, two to three-story multi-family residential structures; east and northeast is a mix of one-story, two-story and three-story multi-family and single family residential structures; the northern adjacent sites are vacant; and west of the subject site is Canlis Restaurant.

Public Comment:

Public notice of the project application was published on March 6th, 2003. The required public comment period ended on March 19th, 2003. No public comments were received.

ANALYSIS – SEPA

The proposal site is located in a steep slope critical area, thus the application is not exempt from SEPA review. However, SMC 25.05.908 provides that the scope of environmental review of projects within critical area shall be limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) Evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and applicable environmental laws.

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant and dated December 14th, 2001. The information in that checklist, public comment, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The Department of Construction and Land Use has analyzed and annotated the environmental checklist submitted by the project applicant, and reviewed the project plans and any additional information in the file. As indicated in the checklist, this action will result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

The SEPA Overview Policy (SMC 23.05 665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, *"Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation"* subject to some limitations. Under such limitations/circumstances (SMC 25.05.665D. 1-7) mitigation can be considered.

Thus, a more detailed discussion of some of the impacts is appropriate

Short -Term Impacts

The following temporary construction-related impacts are expected: 1) temporary soils erosion; and 2) increased vibration from construction operations and equipment. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05794).

City codes and/or ordinances apply to the proposal and will provide adequate mitigation for some of the identified impacts. Specifically these are: 1) Street Use Ordinance (tracking of mud onto public streets, and obstruction of rights-of-way during construction); 2) Building Code (construction measures in general); 3) Regulations for Environmentally Critical Areas; and 4) Stormwater, Grading and Drainage Control Ordinance (storm water runoff, temporary soil erosion, and site excavation).

Earth

The ECA Ordinance and Director's Rule (DR) 3-93 require submission of a soils report to evaluate the site conditions and provide recommendation for safe construction in areas with steep slopes, liquefaction zones, and/or a history of unstable soil conditions. Pursuant to this requirement the applicant submitted a geotechnical engineering study prepared by Marc R. McGinnes, P.E. with GeoTech Consultants, Inc. dated November 19th, 2001. The report evaluates the soil and site conditions and provides recommendations for erosion and drainage controls, slope stability, grading and earthwork and foundation construction. Review of shoring for excavation and erosion control will be required prior to issuance of building permits.

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of materials. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

Long-term Impacts

Potential long-term impacts that may occur as a result of this project include: 1) increased surface water runoff from greater site coverage by impervious surfaces, and 2) increased demand on public services and utilities. These long-term impacts are not considered significant because the impacts are minor in scope.

The long-term impacts are typical of multi-family development and will be mitigated by the City's adopted codes and/or ordinances. Specifically these are 1) Regulations for Environmentally Critical Areas; and 2) Stormwater, Grading and Drainage Control Ordinance (storm water runoff, temporary soil erosion, and site excavation).

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public of agency decisions pursuant to SEPA.

☒ [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 043.21C.030(2)(c).

☐ [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(c).

CONDITIONS - SEPA

None.

Signature: (signature on file) Date: July 28, 2003
Colin R. Vasquez, Land Use Planner
Department of Design, Construction and Land Use